IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21503 of 2004

Between:

Kumaraswamy Reddy S/o.Bayya Reddy
R/o. Cherukuvaripalle, Sodam Mandal, Chittoor District.

..... PETITIONER

AND

1 The District Collector, Chittoor
2 The Sub Collector, Madanapalli Chittoor District.
3 The Executive Engineer Roads and Buildings, Madanapalli Chittoor District.
4 The Mandal Revenue Officer, Sodam, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the action of the respondents in not paying the compensation in respect of land in Survey No.383/7 to an extent of Ac.1.17 cents situated at Borragamanda Village, Sodam Mandal, Chittoor District as illegal, improper. unjust, arbitrary and contrary to law, and further direct the respondents herein to pay the compensation to the land in Survey No.382/7 to an extent of Ac.1.17 cents with other consequential benefits including solatium and interest as per the market value.

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

The petitioner has filed this writ petition seeking a Mandamus to declare the action of the respondents in not paying the compensation in respect of the land in S.No.383/7 to an extent of Ac.1.17 cents situated at Borragamanda village, Sodam Mandal, Chittoor District as illegal and arbitrary.

The case of the petitioner is that the possession of the land to an extent of Ac.1.17 cents was taken over by the 3rd respondent and road was laid in it without there being any acquisition proceedings in accordance with law. The grievance of the petitioner is to direct the respondents to pay compensation to the said land.

Heard the learned counsel for both the parties.

Both the counsel did not dispute about the payment of compensation to be determined in accordance with the provisions of the Land Acquisition Act. The 3rd respondent, for the purpose of laying road, acquired the extent of Ac.1.17 cents of land in S.Nos.383/7 and as a matter of fact, the road was laid. There cannot be any dispute that the owner of the land is entitled to compensation which has to be determined in accordance with the provisions of the Land Acquisition

Act.

In view of the facts and circumstances of the case, I deem it appropriate to direct the 1st and 2nd respondents to take steps to acquire the land of an extent of Ac.1.17 cents in accordance with the provisions of the Land Acquisition Act within a period of four months.

The writ petition is disposed of in terms of the above direction. There shall be no order as to costs.

_____

(K.C. BHANU, J.)

-

-

-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

24th November, 2004.

To

1 The District Collector, Chittoor
2 The Sub Collector, Madanapalli Chittoor District.
3 The Executive Engineer Roads and Buildings, Madanapalli Chittoor District.
4 The Mandal Revenue Officer, Sodam, Chittoor District.

5. Two CCs to G.P for Revenue, High Court Buildigns,

Hyderabad(OUT).

6. Two CD copies

Note: Furnish copy in one week.

(B/o)

bcj